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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

YANG, RYAN R

ART UNIT PAPER NUMBER

2672

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,236

Applicant(s)

ALFORD ET AL.

Examiner

Ryan R Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/7/2004 has been entered.

DETAILED ACTION

2. This action is responsive to communications: Amendment, filed on 06/07/2004. This action is non-final.

3. Claims 1-36 are pending in this application. Claims 1, 17-18 and 35 are independent claims. In the Amendment, filed on 06/07/2004, claims 1, 17, 18 and 35 were amended.

4. The present title of the invention is "Graphical user interface for visualization of sampled data compared to entitled or reference levels" as filed originally.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-6, 14-23, 31 and 34-35 are rejected under 35 U.S.C. 103(e) as being anticipated by Bhatt et al. (6,097,399) and further in view of Fisher et al. (5,440,478).

7. As per claim 1, Bhatt et al., hereinafter Bhatt, discloses a method for displaying resource utilization information for a plurality of resources, comprising the steps of:

classifying processes into one of a plurality of process classifications (Figure 5A P1, P2 and P3; "The aggregated data sent to the display via the control signals will be arranged on a display 6 in one or more display elements 8", column 6, line 23-25, where the display elements are process classifications); and

for each process classification, performing the following steps:

determining a time period in which to measure the resource utilization information (the aggregation interval, A_i , column 7, line 35);

monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and

displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a resource reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

Bhatt discloses a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the process is an application process "wherein the application process classifications are comprised of at least one of attributes identifying the user that submitted the process, the group from

which the process was submitted and the fully qualified path of the application which the process is executing”, however, this is known in the art as taught by Fisher et al., hereinafter Fisher. Fisher discloses a process control method in which application processes are classified into one of a plurality of process classifications (Figure 2 or 3 where the company name and identification of the report are the user and the company is the user that submitted the process; “We also prefer to sort the collected data across some or all of the characteristic fields which appear in boxes 45 and 48 thru 54. The sorted data could then be presented in tables, graphs or other types of reports”, column 7, line 18-21 wherein the characteristic fields are the classification process).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Fisher discloses that the user can be identified and the associated data classified in order to provide for more meaningful process analysis.

8. As per claim 2, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Bhatt further discloses the resource utilization information is used to determine a percentage of system resources utilized based on the time period relative to other resources in the same time period (Figure 5A where P1, P2 and P3 show utilization in percentage in an aggregation time period).

9. As per claim 3, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Bhatt further discloses displaying a result

of the resource utilization information is displayed in a utilization range (Figure 4A where the graph display a utilization range centered on average).

10. As per claim 4, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 3, supra, and Fisher further discloses the utilization range is defined by a standard deviation between the utilization of the resource and a target utilization for the resource (see the equation defining CPK, column 2, line 36-44).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Fisher discloses the utilization range can be defined in a way to provide for more meaningful process analysis.

11. As per claim 5, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 4, supra, and Fisher further discloses the standard deviation is at least one of a deviation within a predetermined percentage of the target utilization and a deviation within a predetermined distance from the target utilization (where the deviation is defined as 3σ , column 2, line 41).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Fisher discloses the utilization range can be defined in a way to provide for more meaningful process analysis.

12. As per claim 6, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Bhatt further discloses displaying a result of the monitoring of the resource utilization information is displayed in a graphical user interface (Figure 5A where 20 is the interface).

13. As per claim 14, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 1, supra, and Bhatt further discloses displaying a result of the monitoring of the resource utilization information is displayed in a plurality of colors (Figure 6 "If some are send and some are received, the send-receive color is used (i.e., black in this case) ... the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12 , line 9-17).

14. As per claim 17, Bhatt discloses a system, comprising:

- a bus system (Figure 2A 2);

- a memory, including a set of instructions, connected to the bus system (Figure 2A 3);

- an output unit connected to the bus system ((Figure 2A 6); and

- a processing unit connected to the bus system (Figure 2A 3), wherein the processing unit classifying processes into one of a plurality of process classifications (Figure 5A P1, P2 and P3; "The aggregated data sent to the display via the control signals will be arranged on a display 6 in one or more display elements 8", column 6, line 23-25, where the display elements are process classifications); and

- for each process classification, the processing unit:

executes the set of instructions from the memory to determine a time period in which to measure resource utilization information (the aggregation interval, A_i , column 7, line 35), the processing unit monitors the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41), and the processing unit instructs the output unit to displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

Bhatt discloses a system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the process is an application process "wherein the application process classifications are comprised of at least one of attributes identifying the user that submitted the process, the group from which the process was submitted and the fully qualified path of the application which the process is executing", however, this is known in the art as taught by Fisher et al., hereinafter Fisher. Fisher discloses a process control method in which application processes are classified into one of a plurality of process classifications (Figure 2 or 3 where the company name and identification of the report are the user and the company is the user that submitted the process; "We also prefer to sort the collected data across some or all of the characteristic fields which appear in boxes 45 and 48 thru 54. The

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sorted data could then be presented in tables, graphs or other types of reports", column 7, line 18-21 wherein the characteristic fields are the classification process).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a system for displaying resource utilization information for a plurality of resources and Fisher discloses that the user can be identified and the associated data classified in order to provide for more meaningful process analysis.

15. As per claim 18, Bhatt discloses a data processing system for displaying resource utilization information for a plurality of resources, comprising:

classifying means for classifying processes into one of a plurality of process classifications (Figure 2A 3 the Aggregation device as the classifying means; Figure 5A P1, P2 and P3; "The aggregated data sent to the display via the control signals will be arranged on a display 6 in one or more display elements 8", column 6, line 23-25, where the display elements are process classifications); and

executing means for executing for each process classification:

determining means for determining a time period in which to measure the resource utilization information (the aggregation interval, A_i , column 7, line 35);

monitoring means for monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and

displaying means for displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization

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information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

Bhatt discloses a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the process is an application process "wherein the application process classifications are comprised of at least one of attributes identifying the user that submitted the process, the group from which the process was submitted and the fully qualified path of the application which the process is executing", however, this is known in the art as taught by Fisher et al., hereinafter Fisher. Fisher discloses a process control method in which application processes are classified into one of a plurality of process classifications (Figure 2 or 3 where the company name and identification of the report are the user and the company is the user that submitted the process; "We also prefer to sort the collected data across some or all of the characteristic fields which appear in boxes 45 and 48 thru 54. The sorted data could then be presented in tables, graphs or other types of reports", column 7, line 18-21 wherein the characteristic fields are the classification process).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a data processing system for displaying resource utilization information for a

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plurality of resources and Fisher discloses that the user can be identified and the associated data classified in order to provide for more meaningful process analysis.

Regarding the "means plus function" language, it is noted that both software and hardware means are functionally equivalent.

16. As per claim 19, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 18, supra, and Bhatt further discloses the resource utilization information is used to determine a percentage of system resources utilized based on the time period relative to other resources in the same time period (Figure 5A where P1, P2 and P3 show utilization in percentage in an aggregation time period).

17. As per claim 20, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 18, supra, and Bhatt further discloses displaying a result of the resource utilization information is displayed in a utilization range (Figure 4A where the graph display a utilization range centered on average).

18. As per claim 21, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 20, supra, and Fisher contains the rest of the elements as in claim 4, and, therefore, is similarly rejected as claim 4.

19. As per claim 22, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 21, supra, and Fisher contains the rest of the elements as in claim 5, and, therefore, is similarly rejected as claim 5.

20. As per claim 23, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 18, supra, and Bhatt further discloses displaying a

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result of the monitoring of the resource utilization information is displayed in a graphical user interface (Figure 5A where 20 is the interface).

21. As per claim 31, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 18, supra, and Bhatt further discloses displaying a result of the monitoring of the resource utilization information is displayed in a plurality of colors (Figure 6 "If some are send and some are received, the send-receive color is used (i.e., black in this case) ... the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12 , line 9-17).

22. As per claim 34, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 18, supra, and Bhatt further discloses the entitlement levels are optional entitlement levels (Figure 10A where the degree of shading indicates level of utilization and, therefore, is level of entitlement for utilization).

23. As per claim 35, Bhatt discloses a computer program product in a computer-readable medium for displaying resource utilization information for a plurality of resources (Figure 2A- 3 where it is typically implemented as software, column 5, line 29), comprising:

instructions for classifying processes into one of a plurality of process classifications (Figure 5A P1, P2 and P3; "The aggregated data sent to the display via the control signals will be arranged on a display 6 in one or more display elements 8", column 6, line 23-25, where the display elements are process classifications); and

instructions for executing, for each process classification:

instructions for determining a time period in which to measure the resource

utilization information (the aggregation interval, A_i , column 7, line 35);

instructions for monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and

instructions for displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

Bhatt discloses a computer program for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the process is an application process "wherein the application process classifications are comprised of at least one of attributes identifying the user that submitted the process, the group from which the process was submitted and the fully qualified path of the application which the process is executing", however, this is known in the art as taught by Fisher et al., hereinafter Fisher. Fisher discloses a process control method in which application processes are classified into one of a plurality of process classifications (Figure 2 or 3 where the company name and identification of the report are the user and the company is the user that submitted the process; "We also prefer to sort the collected data across some or all of the characteristic fields which appear in boxes 45 and 48 thru 54. The sorted data could then be presented in tables, graphs or

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other types of reports", column 7, line 18-21 wherein the characteristic fields are the classification process).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Fisher discloses that the user can be identified and the associated data classified in order to provide for more meaningful process analysis.

24. Claims 7-9 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. and Fisher as applied to claim 1 above, and further in view of Rassman et al. (4,937,743).

As per claim 7, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Bhatt and Fisher disclose a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt and Fisher do not explicitly disclose the display of the result of the monitoring of the resource utilization information is displayed with an indicator, wherein the position of indicator indicates the current utilization of the resource, however, this is known in the art as taught by Rassman et al., hereinafter Rassman. Rassman discloses a method of monitoring network utilization in which the amount of utilization is shown by an indicator (Figure 1A-1E where the vertical line or circle is the status indicia indicating current utilization of the resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt and Fisher because Bhatt and Fisher disclose a method for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

25. As per claim 8, Bhatt, Fisher and Rassman demonstrated all the elements as applied to the rejection of dependent claim 7, supra, and Rassman further discloses the current utilization of the resource is a range of current utilization of the resource (Figure 1A where the rectangle is a range of current utilization of the resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt and Fisher because Bhatt and Fisher disclose a method for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

26. As per claim 9, Bhatt, Fisher and Rassman demonstrated all the elements as applied to the rejection of dependent claim 8, supra, and Rassman further discloses the indicator is placed within the range of current utilization of a resource (Figure 1A where the vertical line is placed within the range of current utilization of a resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt and Fisher because Bhatt and Fisher disclose a method for displaying resource utilization

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information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

27. As per claim 24, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 18, *supra*.

Bhatt and Fisher disclose a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt and Fisher do not explicitly disclose the display of the result of the monitoring of the resource utilization information is displayed with an indicator, wherein the position of indicator indicates the current utilization of the resource, however, this is known in the art as taught by Rassman et al., hereinafter Rassman. Rassman discloses a system for monitoring network utilization in which the amount of utilization is shown by an indicator (Figure 1A-1E where the vertical line or circle is the status indicia indicating current utilization of the resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt and Fisher because Bhatt and Fisher disclose a system for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

28. As per claim 25, Bhatt, Fisher and Rassman demonstrated all the elements as applied to the rejection of dependent claim 24, *supra*, and Rassman further discloses the current utilization of the resource is a range of current utilization of the resource (Figure 1A where the rectangle is a range of current utilization of the resource

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt and Fisher because Bhatt and Fisher disclose a system for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

29. As per claim 26, Bhatt, Fisher and Rassman demonstrated all the elements as applied to the rejection of dependent claim 25, *supra*, and Rassman further discloses the indicator is placed within the range of current utilization of a resource (Figure 1A where the vertical line is placed within the range of current utilization of a resource).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rassman into Bhatt and Fisher because Bhatt and Fisher disclose a system for displaying resource utilization information for a plurality of resources and Rassman discloses the utilization can be shown with an indicator in order to easily determine the amount of utilization.

30. Claims 10-11 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al., Fisher and Rassman et al. as applied to claim 7 above, and further in view of Rochford et al. (6,487,604).

As per claim 10, Bhatt, Fisher and Rassman demonstrated all the elements as applied to the rejection of dependent claim 7, *supra*.

Bhatt, Fisher and Rassman disclose a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt, Fisher and Rassman do not explicitly disclose the indicator indicates the direction of current utilization of the

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resource, however, this is known in the art as taught by Rochford et al., hereinafter Rochford. Rochford discloses a network monitoring method in which the indicator indicates the direction of current utilization of the resource (Figure 3 70, 72, 74 and 76).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt, Fisher and Rassman because Bhatt, Fisher and Rassman disclose a method for displaying resource utilization information for a plurality of resources and Rochford discloses a method of displaying the direction of current utilization in order to better predict the trend of utilization.

31. As per claim 11, Bhatt, Fisher, Rassman and Rochford demonstrated all the elements as applied to the rejection of dependent claim 10, supra, and Rochford discloses the direction of current utilization of a resource includes increasing utilization and a decreasing utilization (Figure 3 where the cone shaped indicators can be in increased direction and decreased direction).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt, Fisher and Rassman because Bhatt, and Fisher and Rassman disclose a method for displaying resource utilization information for a plurality of resources and Rochford discloses a method of displaying the direction of current utilization in order to better predict the trend of utilization.

32. As per claim 27, Bhatt, Fisher and Rassman demonstrated all the elements as applied to the rejection of dependent claim 24, supra.

Bhatt, Fisher and Rassman disclose a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt, Fisher and Rassman do not explicitly disclose the indicator indicates the direction of current utilization of the resource, however, this is known in the art as taught by Rochford et al., hereinafter Rochford. Rochford discloses a network monitoring method in which the indicator indicates the direction of current utilization of the resource (Figure 3 70, 72, 74 and 76).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt, Fisher and Rassman because Bhatt, Fisher and Rassman disclose a system for displaying resource utilization information for a plurality of resources and Rochford discloses a system for displaying the direction of current utilization in order to better predict the trend of utilization.

33. As per claim 28, Bhatt, Fisher, Rassman and Rochford demonstrated all the elements as applied to the rejection of dependent claim 10, supra, and Rochford discloses the direction of current utilization of a resource includes increasing utilization and a decreasing utilization (Figure 3 where the cone shaped indicators can be in increased direction and decreased direction).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rochford into Bhatt, Fisher and Rassman because Bhatt, Fisher and Rassman disclose a system for displaying resource utilization information for a plurality of resources and Rochford discloses a

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system for displaying the direction of current utilization in order to better predict the trend of utilization.

34. Claims 12-13, 29-30 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. and Fisher as applied to claim 1 above, and further in view of Haggard et al. (6,148,335).

As per claim 12, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 1, *supra*.

Bhatt and Fisher disclose a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt and Fisher do not explicitly disclose monitoring a second utilization of the resource, wherein the second utilization of the resource occurs at later point in time of the first utilization of the resource and displaying results of the second utilization of the resource, however, this is known in the art as taught by Haggard et al., hereinafter Haggard. Haggard discloses a method of performance monitoring in which a plurality of utilization information of different time period are displayed (Figure 7).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt and Fisher because Bhatt and Fisher disclose a method for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

35. As per claim 13, Bhatt, Fisher and Haggard demonstrated all the elements as applied to the rejection of dependent claim 12, *supra*, and Haggard further discloses

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the first utilization of the resource and the second utilization of the resource are displayed in a comparative manner (Figure 7 where the weekly utilization is displayed side by side).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt and Fisher because Bhatt and Fisher disclose a method for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

36. As per claim 29, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 18, supra.

Bhatt and Fisher disclose a data processing system for displaying resource utilization information for a plurality of resources. It is noted that Bhatt and Fisher do not explicitly disclose monitoring a second utilization of the resource, wherein the second utilization of the resource occurs at later point in time of the first utilization of the resource and displaying results of the second utilization of the resource, however, this is known in the art as taught by Haggard et al., hereinafter Haggard. Haggard discloses a method of performance monitoring in which a plurality of utilization information of different time period are displayed (Figure 7).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt and Fisher because Bhatt and Fisher disclose a system for displaying resource utilization

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information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

37. As per claim 30, Bhatt, Fisher and Haggard demonstrated all the elements as applied to the rejection of dependent claim 29, supra, and Haggard further discloses the first utilization of the resource and the second utilization of the resource are displayed in a comparative manner (Figure 7 where the weekly utilization is displayed side by side).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt and Fisher because Bhatt and Fisher disclose a method for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

38. As per claim 36, Bhatt and Fisher demonstrated all the elements as applied to the rejection of independent claim 35, supra.

Bhatt and Fisher disclose a computer program product for displaying resource utilization information for a plurality of resources. It is noted that Bhatt and Fisher do not explicitly disclose instructions for monitoring a second utilization of the resource, wherein the second utilization of the resource occurs at later point in time of the first utilization of the resource and displaying results of the second utilization of the resource, however, this is known in the art as taught by Haggard et al., hereinafter Haggard. Haggard discloses a method of performance monitoring in which a plurality of utilization information of different time period are displayed (Figure 7).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haggard into Bhatt and Fisher because Bhatt and Fisher disclose a system for displaying resource utilization information for a plurality of resources and Haggard discloses a plurality of utilization information of different time period can displayed be displayed for easy comparison.

39. Claims 15-16 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhatt et al. and Fisher as applied to claim 14 above.

As per claim 15, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 14, supra, and Bhatt further discloses the plurality of colors includes a first color and a second color ("the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12, line 15-17, which includes two colors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose only two of the color already described in the prior art in order to represent the two states of processing).

40. As per claim 16, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 15, supra, and Bhatt further discloses the first color is black and the second color is white ("the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12, line 15-17. Since black and white are two of the color used in the color spectrum, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose the already well known color in order to represent the two states of processing).

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41. As per claim 32, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 31, supra, and Bhatt further discloses the plurality of colors includes a first color and a second color ("the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12, line 15-17, which includes two colors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose only two of the color already described in the prior art in order to represent the two states of processing).

42. As per claim 33, Bhatt and Fisher demonstrated all the elements as applied to the rejection of dependent claim 32, supra, and Bhatt further discloses the first color is black and the second color is white ("the color of the processor may be graduated from dark to light based n the division of sends and receives", column 12, line 15-17. Since black and white are two of the color used in the color spectrum, it would have been obvious to one of ordinary skill in the art at the time the invention was made to chose the already well known color in order to represent the two states of processing).

Response to Arguments

43. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

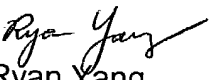
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-47000377.


Ryan Yang
September 17, 2004